

DIRECT TESTIMONY OF JEREMY NICHOLS

TABLE OF CONTENTS

I.	Introduction.....	2
II.	WildEarth Guardians’ Interest in the Two Proposed Operating Permits.....	3
III.	Chaco Compressor Station, Permit No. P239R3, AQB 21-37	5
IV.	Carracas CDP Compressor Station, Permit No. P168R4, AQB 21-43	18

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME FOR THE RECORD.

A. My name is Jeremy Nichols.

Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR TITLE?

A. I am employed by WildEarth Guardians, a 501(c)(3) nonprofit environmental advocacy organization, as its Climate and Energy Program Director.

Q. WHAT ARE YOUR RESPONSIBILITIES AS CLIMATE AND ENERGY PROGRAM DIRECTOR WITH WILDEARTH GUARDIANS?

A. Among other things, I lead Guardians' work to restore and protect healthy air throughout the American West. Along with my team, we lend policy and legal expertise to local, state, and federal governments to ensure proper compliance with air quality laws and rules and to improve those laws and rules where they prove insufficient to protect human health and the environment.

Q. PLEASE DESCRIBE YOUR WORK EXPERIENCE IN THE FIELD OF AIR QUALITY AND AIR QUALITY PERMITTING.

A. I have over 15 years of direct, hands-on experience in weighing in on and scrutinizing air quality regulatory actions, including stationary source permitting, SIP revisions, state only rulemakings, and enforcement. I work closely with and provide consulting support for scientists, attorneys, elected officials, and the general public on air quality and air quality regulatory matters.

Q. HAVE YOU PROVIDED TECHNICAL TESTIMONY ON AIR QUALITY MATTERS BEFORE?

A. I have provided testimony, comments, and information to numerous air quality agencies, boards, and commissions, including the New Mexico Environmental Improvement Board and the

Colorado Air Quality Control Commission. I have developed and submitted comments on numerous permits, both New Source Review and Title V Operating Permits, and state regulatory proposals. I have also provided comments and testimony in response to numerous EPA regulatory actions, including SIP reviews, proposed New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, regional haze regulations, and nonattainment planning.

Q. HAVE YOU REVIEWED THE PROPOSED AIR QUALITY OPERATING PERMITS AND ASSOCIATED DOCUMENTS AT ISSUE IN THIS HEARING?

A. Yes.

Q. DID YOU FILE COMMENTS ON BEHALF OF WILDEARTH GUARDIANS ON BOTH OF THE PROPOSED PERMITS AT ISSUE IN THIS HEARING?

A. Yes.

Q. WHAT IS GUARDIANS' POSITION ON THE TWO PROPOSED OPERATING PERMITS AT ISSUE IN THIS HEARING?

A. Guardians opposes the issuance of both operating permits at issue in this hearing.

II. WILDEARTH GUARDIANS' INTEREST IN THE TWO PROPOSED OPERATING PERMITS

Q. PLEASE EXPLAIN WHY GUARDIANS IS CONCERNED ABOUT AND COMMENTED ON THE TWO PROPOSED PERMITS THAT ARE THE SUBJECT OF THIS HEARING.

A. The U.S. Environmental Protection Agency (EPA) and other public health institutions have identified and documented the serious health impacts caused by exposure to elevated levels

of ozone pollution. These impacts can include respiratory and cardiovascular disease, increased rates of asthma and cardiopulmonary illness, hospitalizations, and premature death. *See* Guardians Exhibit 3 at 65303-11. Short-term ozone exposure has also been shown to decrease lung function, cause respiratory inflammation, exacerbate allergies, and increase emergency room visits and hospitalizations. *Id.*

The current national standard for ozone is 70 ppb, but ozone levels in San Juan and Rio Arriba Counties have exceeded this standard multiple times over the past five years, including in 2021. Ozone monitoring data from these counties are publicly available at the U.S. Environmental Protection Agency AirData website, and I obtained New Mexico's 2016-2020 Monitor Values Reports for ozone from this website and included it as Guardians Exhibit 9. In addition, the New Mexico Environment Department confirmed that ozone levels in San Juan County are within 95% of the standard, and that oil and gas sources located in Rio Arriba County contributes to elevated ozone concentrations in the San Juan Basin. Guardians Exhibit 4 at 4.

Furthermore, Guardians is overall concerned with the need to ensure proper enforcement of limits on air pollution from oil and gas facilities in order to protect other ambient air quality standards, human health more generally, and to address environmental justice concerns. We have reason to conclude the proposed permits would not properly limit emissions such that human health will be protected, ambient air quality standards will be attained and maintained, and that environmental justice will be achieved.

Q. DO GUARDIANS' MEMBERS, SUPPORTERS, AND OTHER MEMBERS OF THE PUBLIC SHARE A SIGNIFICANT INTEREST IN THE PROPOSED PERMITS AND OTHERS?

A. Yes, Guardians is headquartered in New Mexico and we have many members in the state who are concerned about ozone pollution and other toxic emissions from oil and gas facilities. Members of the general public in New Mexico have also shown significant concern and interest in the issue of ozone pollution, as recently demonstrated in the Environmental Improvement Board's rulemaking hearing regarding the Department's Ozone Attainment Initiative.

III. CHACO COMPRESSOR STATION, AQB 21-37

Q. WHEN DID GUARDIANS SUBMIT COMMENTS ON THIS PROPOSED PERMIT?

A. The Environment Department posted its Legal Notice and Preliminary Determination for this facility on the Department's website on February 19, 2021, providing the public 30 days with which to submit written comments. However, Guardians has been unable to confirm whether the Department published this legal notice in a newspaper of general circulation. Guardians submitted written comments dated March 19, 2021 based on the Department's legal notice posted on its webpage. On March 24, 2021, Guardians received an email from the Environment Department thanking us for our comments on this permit and notifying us our request for a public hearing was being processed by the Department.

Q. PLEASE SUMMARIZE THE ISSUES GUARDIANS RAISED IN ITS COMMENTS ON THIS PROPOSED PERMIT?

A. Guardians raised several issues in its comments on this facility, including: the enforceability of startup, shutdown, maintenance, and malfunction (SSM/M) emission limits, point sources of air pollution associated with the facility, compliance with hourly emission limits

for truck loading – condensate loadout, and compliance with the ozone National Ambient Air Quality Standard.

Q. DID GUARDIANS EVER RECEIVE A SUBSTANTIVE RESPONSE TO ITS COMMENTS FROM THE ENVIRONMENT DEPARTMENT?

A. No.

Q. ARE THERE ANY OTHER ISSUES WITH THE DRAFT OPERATING PERMIT THAT YOU WOULD LIKE TO RAISE?

A. Yes, after further review of the permit application, draft permit, and associated supporting documents, I identified additional concerns related to legal notice and environmental justice.

Q. WHAT IS GUARDIANS' POSITION ON THIS PROPOSED PERMIT?

A. Guardians opposes the proposed operating permit for the Chaco facility.

a. Legal Notice

Q. PLEASE EXPLAIN GUARDIANS' CONCERNS RELATED TO THE ISSUE OF LEGAL NOTICE?

A. The Environment Department's legal notice to the public, indicating that the Department's preliminary intent was to issue the Chaco facility an air quality operating permit this year, did not inform the public how to submit comments or request information electronically. It is also unclear whether the Department published this legal notice in a newspaper of general circulation.

Q. PLEASE DESCRIBE YOUR CONCERN ABOUT NEWSPAPER PUBLICATION.

A. The rules for operating permits state that the Environment Department must publish public notices of proposed operating permits in a newspaper of general circulation in the area

where the source is located or in a state publication designed to give general public notice.

20.2.70.401.B. NMAC. I conducted a search of public notices using the public notice search engine, newmexicopublicnotices.com. Searching the term “Chaco Compressor Station,” returned no results indicating the Department had published a legal notice related to the draft operating permit for the Chaco facility in the past year. The Department has also not posted proof of the published legal notice on its webpage, as far as I can tell.

**Q. PLEASE DESCRIBE YOUR CONCERN ABOUT THE OMISSION IN THE
LEGAL NOTICE OF CERTAIN CONTACT INFORMATION.**

The Operating Permit regulations adopted pursuant to New Mexico’s Air Quality Control Act, state that the Department’s publish notice shall identify “[t]he name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, and relevant supporting materials...”

20.2.70.401.C.(6) NMAC. These rules also state that the Department’s public notice shall identify “[a] brief description of the comment procedures required by the Department” and “[a]s appropriate, a statement of procedures to request a hearing...” 20.2.70.401.C.(7) and (8) NMAC.

The Department’s legal notice for the Chaco facility stated that “[i]nterested persons may obtain the draft operating permit, submit written comments, or request a public hearing on [the draft permit for the Chaco facility] by contacting Urshula Bajracharya at the New Mexico Environment Department, Air Quality Bureau, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816.” The legal notice also stated that “[w]ritten requests for public hearing must state the nature of the issues proposed to be raised in the hearing.”

The only address for submitting a written comment or request that appears in the legal notice the Department posted on its webpage is the physical address of the Environment Department in Santa Fe.

Q. WHY DOES THE OMISSION OF CONTACT INFORMATION YOU DESCRIBED CONCERN YOU?

A. Limiting public comment to mail-in comments only, may have prevented or dissuaded some members of the public, particularly the elderly, immune-compromised individuals, and those with co-morbidities, from participating in the public review process because of the public health risk of contracting COVID-19 through purchasing stamps, entering a post office, printing comments at an office supply store, etc. Although Guardians was able to determine that comment submission through electronic mail was acceptable despite the instructions in the Department's legal notice, this was due to prior experience and interactions with the Department. Other members of the public may not have had the prior experience to understand this option existed.

Q. TO YOUR KNOWLEDGE, HAS THE ENVIRONMENT DEPARTMENT REVISED AND REISSUED THE PUBLIC NOTICE FOR THIS PROPOSED PERMIT?

A. No.

Q. HAS THE ENVIRONMENT DEPARTMENT REVISED AND REISSUED PUBLIC NOTICES FOR SIMILAR PROPOSED PERMITS?

A. Yes, in the past year the Environment Department revised and issued public notices for air quality construction permits, including for the Zia Hills Central Facility, Willow Lake Gas Plant, and the Maverick, Spartan, and Tiger Compressor Stations to notify the public that the Department would accept written comments by electronic mail, according to a specific email

address listed in the notice. The Department's legal notice for the proposed operating permit for the Carracas facility states that interested persons may obtain the draft operating permit, submit written comments, or request a public hearing on that draft permit by contacting Urshula Bajracharya at the Department's physical address or at her email address.

Q. IN YOUR OPINION, DOES THIS SUGGEST THE DEPARTMENT COULD REVISE AND REISSUE THE PUBLIC NOTICE FOR THE CHACO FACILITY?

A. Yes.

b. Ozone

Q. WOULD YOU EXPLAIN GUARDIANS' COMMENT AND CONCERN RELATED TO THE ISSUE OF OZONE?

A. The New Mexico Operating Permit regulations state that a permit renewal shall only be issued if, among other things, the conditions of the permit provide for compliance with all applicable requirements and the requirements of this Part. 20.2.70.400.A.(4) NMAC. These regulations also state that the definition of "applicable requirement" includes any standard or other requirement provided for in the New Mexico state implementation plan approved by US EPA, or promulgated by US EPA through rulemaking, under Title I of the federal act to implement the relevant requirements of the federal act; any national ambient air quality standard; and any regulation adopted by the board pursuant to the New Mexico Air Quality Control Act. *See* 20.2.70.7.E. NMAC. According to the EPA, the NAAQS for ozone is 70 ppb. Guardians Exhibit 3 at 65292. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In its public notice for this facility, the Department stated that the draft operating permit would reflect a 117.5 tpy increase of nitrogen oxide (NOx) emissions to a total of 115.9 tpy, and a 180.7 tpy increase of volatile organic compound (VOC) emissions to a total of 242.5 tpy.¹ Both of these gases can react with sunlight to form ozone.

Q. PLEASE EXPLAIN WHY THIS ISSUE SHOULD BE ADDRESSED IN THIS HEARING.

A. As I testified earlier, ozone pollution is an issue of significant public interest in New Mexico. Well-documented scientific research tells us that recorded levels of ozone in northwest New Mexico exceeding the NAAQS can seriously harm public health for those people living in that part of the state. The significant public interest in this issue is also exemplified by the State of New Mexico's multi-agency effort to address air pollution throughout the state, which most recently culminated in a rulemaking hearing on ozone precursor pollution from oil and gas facilities. The New Mexico Operating Permit regulations state that the Department may hold a public hearing on a draft permit or for any reason it deems appropriate, and that the Department must hold a public hearing in the event of significant public interest. 20.2.70.401.A. NMAC.

[REDACTED]

[REDACTED]

[REDACTED]

¹ The changes to air pollutant emissions described in the Department's legal notice appear to contradict themselves for NOx and SO2.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition, the draft permit itself identifies NAAQS for ozone as an applicable requirement under section A103.A. This means the permit must ensure compliance with the ozone NAAQS. While the draft permit states under section A103.C that compliance with permit demonstrates compliance with the NAAQS, it is not clear that any analysis of ozone impacts has been conducted such that this statement is valid.

Q. GIVEN ALL THIS, WHAT DID YOUR COMMENT REQUEST THE DEPARTMENT DO?

A. My comment requested that the Department demonstrate to the public that the Chaco facility's operations authorized by this permit will not cause or contribute to an exceedance of the ozone NAAQS.

Q. HAS THE DEPARTMENT PRESENTED THIS DEMONSTRATION?

A. No.

Q. DID THE ENVIRONMENT DEPARTMENT SUBSTANTIVELY RESPOND TO THIS COMMENT?

A. No.

c. SSM/M Emission Limits

**Q. WOULD YOU EXPLAIN GUARDIANS' COMMENT AND CONCERN
RELATED TO THE ISSUE OF THE ENFORCEABILITY OF THE STARTUP,
SHUTDOWN, MAINTENANCE AND MALFUNCTION (SSM/M) EMISSION
LIMITS IN THE PROPOSED PERMIT?**

A. Guardians submitted comments on the Department's proposed emission limits for this facility's air pollutant emissions during particular operational events, including startup, shutdown, maintenance, and malfunction (SSM/M). EPA guidance documents state that a key principle and requirement for all emission limits relied on to determine potential to emit is that each limit must be both federally enforceable and enforceable as a practical matter. Guardians Exhibits 6 at 5-8. EPA guidance also states that for an emission limit to be enforceable as a practical matter the draft permit must include, among other things, the method to determine compliance including appropriate monitoring, record keeping and reporting. Guardians Exhibit 7 at 8-9. In Title V Permit adjudications, EPA has specifically highlighted that it is important for a draft permit to specify how particular emissions must be calculated for purposes of ensuring practical enforceability. Guardians Exhibit 8 at 9-10; *see also* 17-18.

The New Mexico Operating Permit regulations on monitoring also state that “[e]ach permit shall contain all emissions monitoring requirements, and analysis procedures or test methods, required to assure and verify compliance with the terms and conditions of the permit and applicable requirements, including any procedures and methods promulgated by the administrator.” 20.2.70.302.C.(1). NMAC. This section in the operating regulations goes on to state that “[w]here the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as

monitoring), the permit shall require periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Subsection E of 20.2.70.302 NMAC" and that "such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement." *Id.* at (2). Finally, this section in the regulations ends, stating "[t]he permit shall also contain specific requirements concerning the use, maintenance, and, when appropriate, installation of monitoring equipment or methods." *Id.* at (3).

For the Chaco facility, the draft operating permit incorporates several emission limits for different emitting components of the Chaco facility, during SSM/M events, in section A107 of the draft permit. However, the draft permit does not incorporate specific requirements that explain the methodology the permittee must use to monitor SSM/M emissions.

Specifically, the emission limits at section A107 of the proposed permit for the SSM Unit and M1 unit do not include associated monitoring, recordkeeping, or reporting requirements that specifically establish a method for monitoring the volume of gas that is emitted during SSM/M activities. For the SSM unit, the proposed permit does not require the volume of gas vented during SSM to be measured by a meter or other means of volumetric measurement. Without such a measurement, it is unclear how gas vented during these events will be accurately measured to ensure compliance with the emission limit. I have the same concern with regard to the M1 unit and the 10 tpy emission limit proposed in the draft permit.

Q. WOULD YOU SUMMARIZE YOUR OBSERVATIONS ON THE ISSUE OF THE PRACTICAL ENFORCEABILITY OF SSM/M EMISSION LIMITS INCORPORATED IN THE OPERATING PERMIT FOR THE CHACO

FACILITY?

A. The draft permit does not include a specific methodology for the permittee to measure the volume of gas emitted during SSM activities or malfunctions. Various EPA guidance documents and decisions state that air quality permits must specify the methodology used for determining compliance for an emission limit to be practically enforceable.

Q. DID THE ENVIRONMENT DEPARTMENT SUBSTANTIVELY RESPOND TO THIS COMMENT?

A. No.

d. Environmental Justice

Q. WOULD YOU EXPLAIN GUARDIANS' CONCERN RELATED TO THE ISSUE OF ENVIRONMENTAL JUSTICE?

A. New Mexico Executive Order 2005-056 states that the Environment Department must, among other things, “utilize available environmental and public health data to address impacts in low-income communities and communities of color as well as in determining siting, permitting, compliance, enforcement, and remediation of existing and proposed industrial and commercial facilities.” The draft permit and associated supporting documents do not make clear how the Department evaluated the draft permit to address impacts to low-income communities and communities of color.

Q. WHAT IS YOUR UNDERSTANDING OF ENVIRONMENTAL JUSTICE?

A. As I discussed earlier, air quality monitoring data for the area in which the Chaco facility operates has demonstrated that ambient air quality in this area has exceeded the national limit for ozone pollution on multiple occasions over the past five years, including in 2021. Air pollution is well understood to have inordinate impacts on low-income communities and communities of

color. *See, e.g.*, Guardians Exhibits 10 and 11. San Juan and Rio Arriba Counties include a wide variety of cultural, ethnic, tribal, and socioeconomic communities. *See* Guardians Exhibit 12 at 32. Multiple indigenous Native American populations have lived in this area since time immemorial and continue to live there. *Id.* Hispanic residents can also trace their family's history in northern New Mexico back hundreds of years. *Id.* In my view, environmental justice means addressing the impacts of pollution on low-income communities and communities of color, by reducing and eliminating those impacts, in addition to notifying members of the public about these impacts and facilitating public participation.

Q. HAS THE ENVIRONMENT DEPARTMENT ADDRESSED ENVIRONMENTAL JUSTICE IMPACTS IN ITS EVALUATION OF THE DRAFT OPERATING PERMIT FOR THE CHACO FACILITY?

A. The Department prepared a Public Involvement Plan for the Chaco facility, but it does not appear that the Department has made any substantive changes to the draft permit based on environmental justice.

e. Point Sources of Emissions

Q. WOULD YOU EXPLAIN GUARDIANS' COMMENT AND CONCERN RELATED TO THE ISSUE OF POINT SOURCES OF EMISSIONS IN THE DRAFT PERMIT FOR THE CHACO FACILITY?

A. Guardians submitted comments raising the concern that the information the Environment Department released for the proposed permit modification did not include an identification and analysis of all the point sources of emissions, including all natural gas-actuated pneumatic controllers and oil and gas wells connected to and adjacent to the Chaco facility. The New Mexico Operating Permit regulations state that a permit applicant must provide all emissions

information for the source and each emissions unit, for all emissions of all air pollutants for which the source is major and all emissions of regulated air pollutants, except for insignificant activities. 20.2.70.300.D.(5) NMAC. It was not clear that the permit application included all point source of emissions at the Chaco facility, including natural gas-actuated pneumatic controllers and oil and gas wells connected to and adjacent to the Chaco facility.

Q. DID THE ENVIRONMENT DEPARTMENT SUBSTANTIVELY RESPOND TO THIS COMMENT?

A. No.

f. Compliance with Hourly Emissions Limits for Truck Loading

Q. PLEASE EXPLAIN GUARDIANS' COMMENT AND CONCERN RELATED TO THE ISSUE OF COMPLIANCE WITH THE HOURLY EMISSIONS LIMITS FOR TRUCK LOADING – CONDEENSATE LOADOUT IN THE DRAFT PERMIT FOR THE CHACO FACILITY?

A. The draft permit for the Chaco facility establishes a 37.1 pph hourly emission limit for VOCs for truck loading – condensate loadout (Unit L1) in Table 106.A, but the draft permit does not provide a corresponding hourly monitoring requirement or condition that could be used to ensure compliance with the emission limit. The monitoring requirement at A203E of the draft permit only requires the permittee to monitor condensate truck loadout volume on a monthly basis. Having reviewed similar air quality permits, hourly emission limits are generally supported with hourly monitoring requirements, and it is not clear to me how the monthly monitoring requirements in the draft permit for the Chaco facility ensure compliance with the hourly emission limit. The permit does not appear to require sufficient periodic monitoring.

Q. DID THE ENVIRONMENT DEPARTMENT SUBSTANTIVELY RESPOND TO

THIS COMMENT?

A. No.

g. Conclusion

**Q. DOES THIS CONCLUDE YOUR TESTIMONY FOR THE PROPOSED
OPERATING PERMIT FOR THE CHACO COMPRESSOR STATION, IN AQB
21-37?**

A. Yes.

IV. CARRACAS CDP COMPRESSOR STATION, AQB 21-43

Q. WHEN DID GUARDIANS SUBMIT COMMENTS ON THIS PROPOSED PERMIT?

A. The Environment Department published its Legal Notice and Preliminary Determination for this facility in a newspaper of general circulation on April 25, 2021, providing the public 30 days with which to submit written comments. Guardians submitted written comments dated May 25, 2021 based on the Department's legal notice posted on its webpage. On May 26, 2021, Guardians received an email from the Environment Department thanking us for our comments on this permit.

Q. CAN YOU PLEASE SUMMARIZE THE ISSUES GUARDIANS RAISED IN ITS COMMENTS ON THIS PROPOSED PERMIT?

A. Guardians raised several issues in its comments on this facility, including: the enforceability of startup, shutdown, maintenance, and malfunction (SSM/M) emission limits, point sources of air pollution associated with the facility, and compliance with hourly emission limits for trucking loading – condensate loadout.

Q. DID GUARDIANS EVER RECEIVE A SUBSTANTIVE RESPONSE TO ITS COMMENTS FROM THE ENVIRONMENT DEPARTMENT?

A. No.

Q. ARE THERE ANY OTHER ISSUES WITH THE DRAFT OPERATING PERMIT THAT YOU WOULD LIKE TO RAISE?

A. Yes, after further review of the permit application, proposed draft permit, and associated supporting documents, I identified an additional concern related to environmental justice.

Q. WHAT IS GUARDIANS' POSITION ON THIS PROPOSED PERMIT?

A. Guardians opposes the proposed operating permit for the Carracas facility.

a. SSM/M Emission Limits

Q. DID GUARDIANS SUBMIT COMMENTS ON THE ISSUE OF PROPOSED SSM/M EMISSION LIMITS, AS IT RELATES TO THE PROPOSED PERMIT FOR THE CARRACAS FACILITY?

A. Yes.

Q. ARE THOSE COMMENTS SUBSTANTIALLY THE SAME AS THOSE COMMENTS GUARDIANS SUBMITTED ON THE ISSUE OF PROPOSED SSM/M EMISSION LIMITS FOR THE CHACO FACILITY, IN AQB 21-37?

A. Yes, for the Carracas facility the unenforceable emission limits Guardians commented on apply to the units identified as “SSM” and “M1” set forth at section A107 of the proposed permit. “SSM” refers to routine and predictable startup, shutdown, and maintenance. The SSM emission limit in this draft permit refers to compressor and associated piping blowdowns during routine and predictable startup, shutdown, and/or maintenance. “M1” refers to venting of gas due to malfunction.

Q. TO AVOID BEING UNDULY REPETITIOUS, DO YOU ADOPT YOUR TESTIMONY IN AQB 21-37, ON PAGES 12 TO 14, ON THE ISSUE OF PROPOSED SSM/M EMISSION LIMITS AS YOUR TESTIMONY IN AQB 21-43 ON THE SAME ISSUE?

A. Yes.

b. Environmental Justice

Q. DOES GUARDIANS HAVE CONCERNS ABOUT ENVIRONMENTAL JUSTICE, AS IT RELATES TO THE PROPOSED PERMIT FOR THE CARRACAS

FACILITY?

A. Yes.

Q. ARE THOSE CONCERNS SUBSTANTIALLY THE SAME AS THOSE CONCERNS IN YOUR TESTIMONY ON THE ISSUE OF ENVIRONMENTAL JUSTICE FOR THE CHACO FACILITY, IN AQB 21-37?

A. Yes.

Q. TO AVOID BEING UNDULY REPETITIOUS, DO YOU ADOPT YOUR TESTIMONY IN AQB 21-37, ON PAGES 14 TO 15, ON THE ISSUE OF ENVIRONMENTAL JUSTICE AS YOUR TESTIMONY IN AQB 21-43 ON THE SAME ISSUE?

A. Yes.

c. Point Sources of Emissions

Q. DID GUARDIANS SUBMIT COMMENTS ON THE ISSUE OF POINT SOURCES OF EMISSIONS, AS IT RELATES TO THE PROPOSED PERMIT FOR THE CARRACAS FACILITY?

A. Yes.

Q. ARE THOSE COMMENTS SUBSTANTIALLY THE SAME AS THOSE COMMENTS GUARDIANS SUBMITTED ON THE ISSUE OF POINT SOURCES OF EMISSIONS FOR THE CHACO FACILITY, IN AQB 21-37?

A. Yes.

Q. TO AVOID BEING UNDULY REPETITIOUS, DO YOU ADOPT YOUR TESTIMONY IN AQB 21-37, ON PAGES 15 TO 16, ON THE ISSUE OF POINT SOURCES OF EMISSIONS AS YOUR TESTIMONY IN AQB 21-43 ON

THE SAME ISSUE?

A. Yes.

d. Conclusion

**Q. DOES THIS CONCLUDE YOUR TESTIMONY FOR THE PROPOSED
OPERATING PERMIT FOR THE CARRACAS CDP COMPRESSOR STATION,
IN AQB 21-43?**

A. Yes

CERTIFICATE OF SERVICE

I certify that a true and exact copy of **WILDEARTH GUARDIANS' AMENDED EXHIBIT 1** was served on November 12, 2021 via email to the persons listed below:

Madai Corral
Pamela Jones
Hearing Clerk
PO Box 5469
Santa Fe, NM 87502
madai.corral@state.nm.us
pamela.jones@state.nm.us

Chris Vigil
Office of General Counsel
New Mexico Environment Department
121 Tijeras Avenue, Suite 1000
Albuquerque, NM 87102
christopherj.vigil@state.nm.us

Attorney for New Mexico Environment Dept.

Adam G. Rankin
Jill H. Van Noord
Santa Fe, NM 87504
Phone: (505) 988-4421
agrarkin@hollandhart.com
jhvannoord@hollandhart.com

Attorneys for Harvest Four Corners, LLC

/s/ Matthew A. Nykiel
Matthew A. Nykiel